

# EXHIBIT I

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
BALTIMORE DIVISION

-----  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

- vs - Case No.  
1:16-cv-03180-ELH

MANUFACTURERS AND TRADERS TRUST COMPANY,  
d/b/a M&T BANK,

Defendant.  
-----

Examination before trial of ARTHUR  
SALMAN, taken pursuant to the Federal Rules of  
Civil Procedure, at the Equal Employment  
Opportunity Commission, 6 Fountain Plaza,  
Suite 350, Buffalo, New York, on November 2, 2017,  
commencing at 10:06 a.m., before LORI K. BECK, CSR,  
RDR, CRR, Notary Public.

1 APPEARANCES: U.S. EQUAL EMPLOYMENT  
2 OPPORTUNITY COMMISSION,  
3 By CHIOMA CHUKWU, ESQ.,  
4 City Crescent Building,  
5 10 S. Howard Street, 3rd Floor,  
6 Baltimore, Maryland 21201,  
7 (410) 209-2730,  
8 chioma.chukwu@eeoc.gov,  
9 Appearing for the Plaintiff.

10 REED SMITH LLP,  
11 By BETTY GRAUMLICH, ESQ.,  
12 Riverfront Plaza - West Tower,  
13 901 East Byrd Street, Suite 1700,  
14 Richmond, Virginia 23219-4068,  
15 (804) 344-3423,  
16 bgraumlich@reedsmith.com,  
17 Appearing for the Defendant.

18

19

20

21

22

23

24

25

1	INDEX TO EXHIBITS		
2	Exhibit	Description	Page
3	SALMAN	Third Amended Notice of	10
4	EXHIBIT 1	30 (b) (6) Deposition	
5	SALMAN	document Bates number	32
6	EXHIBIT 2	M&T_0000305	
7	SALMAN	document Bates number	32
8	EXHIBIT 3	M&T_0000307	
9	SALMAN	document Bates numbers	71
10	EXHIBIT 4	M&T_0000451 through	
11		M&T_0000452	
12	SALMAN	document Bates numbers	79
13	EXHIBIT 5	M&T_0001770 through	
14		M&T_0001771	
15	SALMAN	document Bates numbers	84
16	EXHIBIT 6	M&T_0001810 through	
17		M&T_0001811	
18			
19			
20			
21			
22			
23			
24			
25			

1	INDEX TO WITNESSES		
2	Witness	Examination	Page
3	ARTHUR SALMAN	BY MS. CHUKWU:	5
4			
5			
6	DOCUMENT PRODUCTION REQUESTS		
7	PAGE	LINE	
8	16	3	
9	33	8	
10	81	21	
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 talent acquisition department?

2 A. Broadly speaking, they're responsible  
3 for seeking out internal and external applicants to  
4 fill open positions at the bank.

5 Q. When you say internal, what do you mean  
6 by that?

7 A. Current employees who may be interested  
8 and prepared for a different position.

9 Q. An employee who is going through the  
10 redeployment process, are they considered internal  
11 employees?

12 A. They can be.

13 Q. Under what circumstance would they not  
14 be?

15 A. Depending upon the timing of their  
16 application.

17 Q. What does their timing of application  
18 have to do with the status of their employment?

19 A. If they are returning from disability  
20 and their position had been filled, they are given  
21 a period of time to look for positions still as an  
22 employee, and that period of time is 30 days from  
23 the date that they are released to return with or  
24 without an accommodation.

25 And I am describing the process as it

1   existed when Ms. McCollin would have been released  
2   to return to work.

3           Q.    For the year 2013?

4           A.    Yes.

5           Q.    After that 30 days expired after an  
6   employee was released to return to work, what would  
7   be the status of that employee?

8           A.    If they did not -- if they were not  
9   successful in finding a job within that 30-day  
10   period, their employment would terminate.

11          Q.    At that time, is that individual  
12   considered an internal employee?

13          A.    After that time, they are not.

14          Q.    What are external -- strike that.

15                You mentioned that talent acquisition is  
16   responsible for seeking to fill -- I apologize.

17                You mentioned something about internal and  
18   external. Can you clarify what you were referring  
19   to earlier?

20          A.    It's simply that an internal candidate  
21   is an individual who is a current employee at the  
22   bank. External candidate is one who is not a  
23   current employee but hoping to become so.

24          Q.    So with respect to talent acquisition,  
25   they are seeking external candidates as well as

1 interpreting, or implementing the workforce  
2 restructure process in 2013?

3 MS. GRAUMLICH: Objection. It's beyond the  
4 scope.

5 THE WITNESS: Again, I can't recall the  
6 specific time period in which the legal department  
7 would have provided that assistance.

8 BY MS. CHUKWU:

9 Q. But would they have provided  
10 assistance?

11 A. In the ordinary course from time to  
12 time, yes.

13 Q. With respect to talent acquisition and  
14 its functions, are the employees responsible for  
15 reviewing applications received from internal  
16 and/or external candidates?

17 A. Are the employees within talent  
18 acquisition responsible for doing so?

19 Q. Correct.

20 A. Yes.

21 Q. Are the employees within talent  
22 acquisition responsible for deciding which  
23 employees advance through the application process?

24 A. They have responsibility for making  
25 that determination, yes.



1 Q. Do talent acquisition employees work  
2 autonomously in making decisions as to who  
3 advances?

4 MS. GRAUMLICH: Objection to form.

5 THE WITNESS: Autonomously from whom?

6 BY MS. CHUKWU:

7 Q. That particular employee. Do they have  
8 the ability on their own to make a decision about  
9 who advances without consulting anyone else?

10 A. Yes, but I do not believe that in all  
11 cases for all positions.

12 Q. For branch manager positions, do they  
13 have that ability?

14 A. To independently decide who is to  
15 continue in the interview process?

16 Q. Correct.

17 A. I believe generally speaking, yes.

18 Q. What about for assistant branch manager  
19 positions?

20 A. Same answer.

21 Q. What about for M&T at Work specialist  
22 positions?

23 A. Same answer.

24 Q. What about for enhanced due diligence  
25 investigators or compliance specialist positions?

1 A. Same answer.

2 Q. Moving on, next topic, topic number 3:

3 Describe the job requisition process used by  
4 M&T Bank for the following positions.

5 Branch managers.

6 A. When a branch manager position is open  
7 either as a result of the current incumbent leaving  
8 that position or where the bank adds a branch  
9 manager position that did not previously exist, the  
10 position will be created as an open requisition,  
11 and talent acquisition will begin the process of  
12 seeking candidates for consideration.

13 Q. What does it mean to create as an open  
14 requisition?

15 A. In the bank's nomenclature, an open  
16 requisition is an open position.

17 So, for instance, we have a requisition  
18 report. That report reflects open positions at the  
19 bank.

20 Q. Is open the same as vacant?

21 A. Correct.

22 Q. How is a requisition open?

23 MS. GRAUMLICH: Objection to form.

24 BY MS. CHUKWU:

25 Q. Yes, that was very --

1 under which that is not the practice?

2 A. That is -- that is to say there are  
3 circumstances where jobs are not posted internally  
4 before they are filled.

5 Q. In those instances, do you know why  
6 that decision would be made to post externally  
7 before posting internally or at the same time?

8 A. Well, to be clear, we don't refer to  
9 the advertisement of a position externally as  
10 posting. Posting relates to the process by which  
11 internal existing employees can seek open  
12 positions.

13 As to why that happens, there are a number  
14 of reasons.

15 Q. Such as?

16 A. The skill set required for the position  
17 is so unique that a candidate externally may have  
18 been selected prior to the position being open.

19 Q. Just so I understand, when you say  
20 prior to being open, is that the same thing as  
21 prior to being posted -- excuse me, advertised  
22 externally?

23 A. No, I should -- I should clarify.

24 The -- an exception to the posting policy  
25 could exist when an individual has been identified

1 by management as the desired candidate to fill a  
2 position at the time it becomes open and perhaps in  
3 the time period leading up to when it is open.

4 Q. Is that exception memorialized in  
5 writing?

6 A. It's accounted for in the posting  
7 policy. Not in the exact words that I used, but  
8 the policy allows for exceptions.

9 Q. And you mentioned one reason that M&T  
10 may advertise a position externally at the same  
11 time or prior to posting internally is if there is  
12 a skill set that is required that's unique.

13 A. If I said that, I should clarify.

14 The -- there are circumstances that would  
15 give rise to an exception to offering existing  
16 employees an opportunity to post for open positions  
17 before considering other candidates. Consideration  
18 of those candidates may or may not be the result of  
19 an advertising exercise.

20 It may be that individuals are known to the  
21 bank who would, for instance, possess a unique  
22 skill set that the bank desires to select for that  
23 position without going through either an internal  
24 posting or external advertising process.

25 Q. If an individual has been identified

1 based on their skill set at -- at or around the  
2 time that it is advertised, what is the process  
3 that's used for that employee to be onboarded?

4 A. Well, it would depend. They may still  
5 go through a full interview process, beginning with  
6 talent acquisition and making its way -- the way  
7 through the hiring manager, or the person may, for  
8 instance, circumvent talent acquisition and begin  
9 interviewing with either the hiring manager or  
10 senior members of management.

11 In any event, they would likely begin their  
12 onboarding process through talent acquisition so  
13 that the basic information regarding that candidate  
14 could be gathered by talent acquisition.

15 Q. So you testified that they may still go  
16 through talent acquisition or they may be able to  
17 circumvent talent acquisition and go directly to  
18 the hiring managers for interview?

19 A. That's largely correct.

20 Q. Would they be required to submit an  
21 application in an instance where they've been  
22 identified?

23 A. I believe so.

24 Q. And could there be an instance where an  
25 individual who's been identified would bypass

1 talent acquisition and hiring managers and go  
2 straight to the onboarding process based on their  
3 identification?

4 A. No, there would still be a vetting  
5 process before that person were onboarded.

6 Q. When you say vetting, are you referring  
7 to the interview?

8 A. Correct.

9 Q. Is there anything other than interview  
10 that would comprise that vetting?

11 A. Well, background check.

12 Q. In the instances where an individual is  
13 identified -- external candidate is identified as  
14 an exception to the job posting policy, which you  
15 described as posting internally before posting  
16 externally, would those individuals -- would M&T  
17 open that position up for competition with other  
18 external candidates as well as internal candidates?

19 MS. GRAUMLICH: Objection to form.

20 THE WITNESS: Not always.

21 BY MS. CHUKWU:

22 Q. What do you mean by not always?

23 A. As I said, if a -- if an individual  
24 possessed a unique skill set for a unique position,  
25 the bank and management may decide that a single

1 individual is the person that they want, is the  
2 person they put through the process, and is  
3 ultimately the person that is offered the position.

4 Q. And enhanced due diligence  
5 investigator, would that be considered a unique  
6 position?

7 A. No.

8 Q. M&T at Work specialist? Is that  
9 considered a unique position?

10 A. No.

11 Q. Assistant branch manager?

12 A. No.

13 Q. Is that considered unique?

14 What about branch manager?

15 A. Well, by unique in this -- in this  
16 context, I would not refer to a branch manager as  
17 possessing the type of unique skill set that I  
18 described in earlier answers, but that position  
19 together with the others that you just listed  
20 could, in certain events, be positions for which  
21 management had identified individuals that they  
22 wished to place in those positions.

23 And if that were the case, they might fill  
24 those positions outside of the posting policy.

25 Q. I'm going to show you --

1 slotted even if they are released to return within  
2 90 days.

3 Q. Does employee relations follow up with  
4 the hiring managers to ensure that that is the  
5 reason why this grid was left blank?

6 A. I don't know, although I -- I believe  
7 if it is blank, that is interpreted as an  
8 indication that there are no such positions  
9 available.

10 Q. Well, I direct your attention to the  
11 bottom of the first page of this document, ending  
12 in Bates number 1810.

13 Third line of the last grid under Coverage  
14 Method Employed, it states temporary/contract  
15 employee.

16 Do you see that?

17 A. Yes.

18 Q. Does M&T permit the use of temporary  
19 and/or contract employees in providing coverage for  
20 an employee who is out on leave?

21 A. I know that the bank utilizes temporary  
22 and contract employees for temporary staffing  
23 needs. Whether they have done so for employees  
24 that are currently out on disability leave  
25 specifically, I don't know.



1 Q. Have you known of M&T Bank using  
2 temporary and/or contract employees to provide  
3 coverage for branch manager and/or assistant branch  
4 manager and/or M&T at Work specialist positions?

5 MS. GRAUMLICH: Objection, compound.

6 THE WITNESS: I am not aware.

7 BY MS. CHUKWU:

8 Q. When you say you're not aware, is that  
9 as it relates to branch manager positions?

10 A. As to all of the positions you listed.

11 Q. What about enhanced due diligence  
12 investigator positions?

13 A. I believe we have used contract  
14 employees for the enhanced due diligence position,  
15 but I am not certain of that.

16 Q. With respect to your testimony about  
17 the grid on the bottom on page -- the page ending  
18 in Bates number 1811, with respect to completing  
19 that grid, was that the same practice with respect  
20 to whether or not it's left blank or if it's  
21 completed that was in existence in 2013?

22 A. I believe so.

23 Q. Moving on, topic number 13 listed on  
24 page 8 of the deposition notice.

25 Does M&T Bank have a transfer policy for

1 employees currently?

2 A. I don't believe so.

3 Q. Has M&T Bank ever had a transfer policy  
4 for its employees?

5 MS. GRAUMLICH: Well, objection to scope.  
6 You can ask about the relevant time period.

7 THE WITNESS: I don't believe so.

8 BY MS. CHUKWU:

9 Q. You paused before answering. Why is  
10 that?

11 A. There may be guidelines that  
12 contemplate, for instance, expenses that the bank  
13 will cover for an employee who is transferred to  
14 another position, but I don't believe that there is  
15 a policy that goes into the details of who will be  
16 transferred and under what circumstances.

17 Q. Are employees transferred to different  
18 positions within M&T Bank?

19 A. From time to time, yes.

20 Q. Is that transfer different than the  
21 workforce restructure that you testified about  
22 earlier?

23 A. I think it is, although there could be  
24 overlap. If an employee's position is eliminated  
25 through a workforce restructure, an option for them

1 may be a transfer to another position, but I'm not  
2 certain.

3 Q. Are there employees that are  
4 transferred that are not subject to the workforce  
5 restructure program that you are aware of?

6 A. Yes.

7 Q. Under what circumstances?

8 A. Where the bank has decided in  
9 consultation with the employee that they would be  
10 better deployed in a different position.

11 Q. Just so the record is clear, when you  
12 say deployed --

13 A. Employed in.

14 Q. Not in connection with the redeployment  
15 process, correct?

16 A. Correct.

17 Q. With respect to those transfers, would  
18 that employee be required to post for the position  
19 that he or she is being transferred to?

20 A. I'm not certain.

21 Q. With respect to that transfer, would  
22 that employee be required to interview for that  
23 position?

24 A. I believe that they would.

25 Q. With respect to that transfer, would

1 STATE OF NEW YORK )

2 SS:

3 COUNTY OF ERIE )

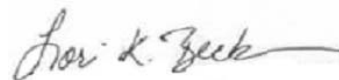
4

5 I DO HEREBY CERTIFY as a Notary Public in and  
6 for the State of New York, that I did attend and  
7 report the foregoing deposition, which was taken  
8 down by me in a verbatim manner by means of machine  
9 shorthand. Further, that the deposition was then  
10 reduced to writing in my presence and under my  
11 direction. That the deposition was taken to be  
12 used in the foregoing entitled action. That the  
13 said deponent, before examination, was duly sworn  
14 to testify to the truth, the whole truth and  
15 nothing but the truth, relative to said action.

16

17

18



19

LORI K. BECK,  
CSR, RDR, CRR,  
Notary Public.

20

21

22

23

24

25